

Comment Info: =====

General Comment:29 CFR Part 570

RIN 1215-AB44

Child Labor Regulations, Orders and Statements of Interpretation, Advance Notice of Proposed Rulemaking and Request for Comments

On behalf of the Association for Career and Technical Education (ACTE), the nation's largest not-for-profit education association dedicated to the advancement of education that prepares youth and adults for successful careers, I would like to express my concern about proposed changes to the child labor regulations. In particular, members of ACTE are greatly concerned about the proposal to establish a new prohibition on the employment and participation of 16- and 17-year-olds in all work in construction occupations, and not to incorporate exceptions for apprentices and student-learners into this proposal.

The proposed regulation would be extremely harmful to students enrolled in career and technical education (CTE) programs who are exploring possible careers in the construction industry. Work-based learning opportunities, such as apprenticeships, internships, cooperative experiences, and work-study programs are an essential part of CTE programs at the high school level, and to restrict 16- and 17-year-olds from participation in these activities would severely restrict the ability of CTE programs to provide high-quality educational experiences, and the ability of students to gain the foundational skills necessary to pursue careers in the construction industry. Allowing students to participate in practical student-learner experiences often keeps them engaged in high school, provides a source of much-needed income, and provides many small businesses with additional support for their activities.

ACTE and its members have long been advocates of occupational safety, and are partners with the National Institutes for Occupational Safety and Health in a number of initiatives, including an annual competition recognizing educators for promoting occupational safety and health in school laboratories. We place extreme value on the safety of our students, but feel that this safety can be protected without the drastic proposed rule change.

Specifically, students under the age of 18 should be able to participate in the construction industry under the following conditions:

? Required safety instruction ? Most CTE programs incorporate safety instruction and standards into course content and delivery, and this should be required for all students participating in work-based learning activities, construction or otherwise. Many CTE programs use the OSHA 10-hour Construction Course, or other options such as CareerSafe, an online certification system that helps student develop a safety mindset and awards a wallet card that can demonstrate

to employers that students have received the basic safety training needed in the workplace. There are numerous options available to ensure that students receive the safety training necessary to participate in the construction industry before entering a job site.

? Continued supervision and advisement ? Student learners should be continuously supervised by instructors and work-site supervisors when participating in work-based learning activities. This supervision should ensure that students have received the proper training, safety and occupationally, to perform responsibilities, and that continuous updates to this training are provided. Where appropriate, agreements should be developed between the employer, school and parents for employment of any individual under the age of 18.

In addition, current restrictions on the most hazardous occupations or activities, within the construction industry, such as work involving explosives or demolition, can be maintained without adversely affecting the ability of students to explore careers and gain skills, while other hazardous occupations should be maintained as exempt for apprentices and student-learners.

The construction industry is a vital and rapidly growing part of the United States economy, with the U.S. Bureau of Labor Statistics predicting that one million skilled workers will be needed to fill construction jobs by 2012. Setting the advanced age of 18 for students to begin to be exposed to the wide range of careers in this industry hurts those students' ability to make appropriate career decisions, and would further exacerbate the severe shortages of high-skill workers in the construction trades. We urge you to reject the proposed rule change and instead look for more intermediate ways to protect student safety in the construction industry.

Sincerely,

Janet B. Bray, CAE  
ACTE Executive Director